

REMARKS

An Office Action was mailed on December 17, 2004.

Claims 1-3, 6, 7, 23, and 63-67 are pending, of which claims 1 and 67 are the independent claims.

By the foregoing, claims 1-3 and 67 are amended and claim 68 is newly presented.

Claims 1-3, 6, 23, and 63-67 stand rejected 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,192,441 ('441 patent) in view of U.S. Patent No. 6,457,439 ('439 patent).

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,192,441 ('441 patent) in view of U.S. Patent No. 3,911,866.

As now claimed in independent claims 1 and 67, the present invention includes a plurality of concentric components of a toy where the components, i.e. toy, are supported on two support locations along a common support axis formed between the support arms and wherein at least one component is disposed within at least one other component so as to rotate within the one other component. This is illustrated in Figs. 6-9.

The '441 patent is directed at perches 2, 5 supported by a sole support arm which are rotatable about the support arm. The '441 patent does not disclose a plurality of concentric components of a toy where the components are supported on a common support axis formed between support arms and wherein at least one component is disposed within at least one other component so as to rotate within the one other component. The Examiner is respectfully requested to withdraw the rejection.

Neither the '282 patent, the '439 patent, nor a combination of the two disclosures, teach, suggest or suggest the limitation of a toy having plurality of concentric components where the toy is supported on two support locations along a common support axis formed between the support arms, where the plurality of components are rotatable with respect to each about the support axis and wherein at least one component is disposed within at least one other component so as to rotate within the one other component.

Accordingly, Applicant respectfully submits that the prior art clearly fails to teach or reasonably suggest the present invention as claimed.

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance wherein all dependent claims are allowable for at least the same reasons as the independent claim from which they depend.

Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304
(212) 940-6489
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